

**GRANT COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND,
P16-0083)	DECISION AND
Growhouses Washington LLC)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on May 11, 2016, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. This is a conditional use permit application from Growhouses Washington LLC, 1200 Westlake Avenue N. Suite 604B, Seattle WA 98109, to enable the placement and use of Conex storage containers for agricultural processing on a portion of an approximately 581.89-acre parcel in the Urban Heavy Industrial zoning district of Grant County. The storage containers will be used in conjunction with the operation of a 90 ft. x 120 ft. (approximately 10,800 square ft.) greenhouse and two 30,000-square ft. outdoor growing areas.
2. The applicant is Growhouses Washington LLC, 1200 Westlake Avenue N. Suite 604B, Seattle, WA 98109. The designated contacts are Del Green and Larry Angell, Columbia Northwest Engineering, PS, 249 N. Elder Street, Moses Lake, WA 98837.
3. The proposed project is an approximately 33.41-acre portion of Parcel #31-3357-000. The site address of the subject parcel is 13055 Road 2 NE, Moses Lake, WA. The subject area is located approximately 1.75 miles northeast of the intersection of Interstate 90 and State Highway 17 (Exit 179), and approximately 1 mile east of the intersection of Nelson Road NE and Road L NE, and in the NW quarter of Section 29, Township 19 North, Range 29 East, WM, Grant County, WA.
4. The zoning for the subject property is Urban Heavy Industrial.
5. The zoning for neighboring parcels is: To the north, City of Moses Lake; to the south, Urban Heavy Industrial; to the east, Urban Heavy Industrial; and to the west, Rural Urban Reserve.
6. The Comprehensive Plan designation for the subject property is Industrial (Urban).
7. As part of the application review process for Site Plan Review #P16-0068, a SEPA Mitigated Determination of Non-Significance (MDNS) was issued for the proposed use on March 30, 2016, listing nine (9) mitigation measures.
8. Pursuant to and in compliance with Chapter 24.08 "Critical Areas and Cultural Resources" of the Grant County Unified Development Code, a critical areas review of the project site was conducted as part of the application process for this proposal. The site contains a historically designated wetland area. However, a Site Assessment of the subject area was performed by

Vincent Barthels of J-U-B Engineers, Inc. of Spokane, WA in September, 2015. Mr. Barthels' subsequent Wetland Evaluation (dated 10-28-15) was reviewed and considered as part of Site Plan Review (#P16-0068) and SEPA (#P15-0148) application processes for the proposed use. The findings and conclusions of Mr. Barthels' Evaluation are still valid for the subject site, and therefore also pertain to this proposal. According to this Evaluation, the area in question is no longer considered, characterized, or determined to be a wetland. Application materials submitted for Site Plan Review #P16-008 and SEPA #P15-0148 also included an email from Jacob McCann (Wetland Specialist for Grant County) of the WA State Department of Ecology (Spokane), documenting his concurrence with this determination that the project area contains no jurisdictional wetlands. Mr. McCann's comments also remain valid for the subject site and pertain to this proposal.

9. A portion of the subject site is also located within a possible Geological Hazard area. Consequently, information about this project was sent to the Grant County Conservation District for their review and comment. However, in this instance, given the already-existing, ongoing agricultural operations in the area, and because the subject site is relatively flat, and based on applicable data in the "Soil Survey of Grant County," and after conducting a site visit to the subject area, it was determined that existing soils will have little (if any) impact on this project as proposed.
The subject site was found to be not located in, nor to contain, any other Critical Areas as defined by Grant County Code.
10. A Public Notice of Application & Public Hearing containing information about this project was published in the Columbia Basin Herald newspaper on March 28, 2016, was mailed to property owners within 300 ft. of the subject parcel (and within 300 ft. of adjoining properties also owned by Central Terminals, LLC) on March 21, 2016, was posted on the subject site by March 28, 2016, and remained posted until the open record public hearing date. Information about this project was also sent to all applicable agencies of jurisdiction for their review and comments on March 21, 2016. The public comment period ended on April 12, 2016. The following agencies provided comments:
 - 10.1 Grant County Building Department responded on March 24, 2016
 - 10.2 Grant County Fire Marshal responded on March 22, 2016
 - 10.3 Grant County Public Works Department responded on March 21, 2016
 - 10.4 Grant County Assessor's Office responded on March 22, 2016
 - 10.5 Grant Conservation District responded on April 12, 2016.
11. The following agencies were notified but did not respond:
 - 11.1 Grant County Health District
 - 11.2 Grant County Emergency Management
 - 11.3 Grant County Auditor's Office
 - 11.4 Grant County Treasurer's Office
 - 11.5 Grant County Sheriff's Office
 - 11.6 Grant County Fire District #5
 - 11.7 Grant County P.U.D.
 - 11.8 Grant County Noxious Weed Control Board
 - 11.9 City of Moses Lake, WA
 - 11.10 U.S. Bureau of Reclamation
 - 11.11 East-Columbia Basin Irrigation District
 - 11.12 WA State Department of Transportation

- 11.13 WA State Department of Agriculture
12. Agency Comments: The following is a summary of substantive comments received:
- 12.1 **Grant County Building Department:**
1. Conex container storage units subject to Building Permits.
- 12.2 **Grant County Fire Marshal:**
1. All real development shall comply with all applicable local, state, and federal laws including, but not limited to, the establishment of water supply for fire suppression Fire Code requirements.
- 12.3 **Grant County Public Works Department:**
1. Approach Permit for access has already been submitted and approved for commercial driveway (Permit #15-277-A).
 2. Grant County Public Works has no additional comments at this time.
- 12.4 **Grant County Assessor's Office:**
1. Parcel #31-3357-000 is a 581.89-acre parcel of classified land only with what looks to be 5.5 acres of a grow operation; owner is Central Terminals, LLC.
- 12.5 **Grant County Conservation District:**
1. Provide backflow prevention device on wellhead.
 2. Dispose of used pesticide containers appropriately. Rinse 3 times and puncture several times before putting into trash.
 3. Provide safe chemical mixing station. Mixing station shall not have floor drains or allow runoff.
13. No public comments were received for this proposal.
14. This application was determined to be Technically Complete on March 18, 2016.
15. This proposal was processed as a Type III Quasi-Judicial Decision, in accordance with Chapter 25.04 "Permit Application Review Procedures" and Chapter 25.08 "Conditional Uses and Variances" of the Grant County Unified Development Code.
16. The subject area is located within the Urban Growth Area boundary of Moses Lake, WA.
17. Pursuant to GCC § 23.04, Table 3, Agricultural Processing uses require a Conditional Use Permit in the Urban Heavy Industrial (UHI) zoning district. As such, a Conditional Use Permit has been required for this proposal.
18. Pursuant to GCC § 23.04.140(c), any/all development within the UHI zoning district is subject to Site Plan Review. An Administrative Site Plan Review (#P16-0068) was issued by the Planning Department for this proposal on April 19, 2016.
19. GCC § 23.08 "Performance and Use Standards" contains no requirements specifically for the proposed use. However, as depicted in the submitted application materials, and subject to the proposed Conditions of Approval, this project appears to comply with applicable Development Standards of GCC § 23.12, and with all applicable requirements of Grant County Code.

20. Placement and use of each Conex storage container will require a Building Permit. Approval of the Building Permits by the Planning Department is contingent upon approval and issuance of this Conditional Use Permit.
21. Access to the project site will be provided via a commercial driveway connecting to Road 2 NE through property owned by Grant County Fire District #5. An access easement has been provided by Grant County Fire District #5. (A copy of the Grant of Easement was submitted to the Planning Department as part of the application review process for Site Plan Review #P16-0068.) Approach Permit #15-277-A for the commercial driveway has been approved by the Grant County Public Works Department.
22. Potable water and on-site sanitation (portable toilets) for the proposed facility will be provided in conformance with the requirements of the WA State Department of Labor & Industries.
23. Irrigation water will be sourced from an existing well.
24. Chemigation and fertigation will occur via injection into the irrigation water system at remote locations associated with the greenhouse and growing areas. Small quantities of fertilizers and/or chemicals will be stored and used on site. Commercial fertilizers and pesticides registered with the WA State Dept. of Agriculture (WSDA) will be used in conformance with label directions. Fertilizers will be stored separately from pesticides in dry conditions. Storage areas for fertilizers will be locked and clearly marked. (Copies of Material Safety Data Sheets were submitted to the Planning Department as part of the application review process for Site Plan Review #P16-0068.)
25. Water for fire suppression for this proposal will be sourced from the adjacent Grant County Fire District #5 water system via main extension and hydrants.
26. Planning Department staff conducted a site visit on March 17, 2016.
27. Information about this application was sent to all applicable agencies of jurisdiction for their review and comments. Agency comments and/or requirements specific/applicable to this proposal have been included as Conditions of Approval. All comments received have been included as part of the staff report and were made available to the applicant. No adverse comments were expressed by any agency that would prohibit development.
28. On April 12, 2016, the Planning Department received a letter on behalf of the applicant from Larry Angell (Designated Contact) of Columbia Northwest Engineering requesting a minor revision to this project. Specifically, the requested revision would allow the use of single-wide modular units in place of some of the Conex storage containers as originally proposed. The proposed revision was considered by Planning Department staff, and a determination was made that the revision requested is minor in nature, does not significantly change or affect the overall impact of this project, and is well within the scope of this project as was originally proposed. Consequently, the proposed revision was accepted and approved by the Planning Department as a minor modification to this application.
29. An Administrative Official (AO) Unified Development Code (UDC) Interpretation and Decision (#13-5868) was rendered on December 13, 2013, to establish how production, processing, and retail sales of marijuana is to be administered within Grant County with

specific regard to the existing UDC. According to this Decision, the UDC provides definitions and development guidance relevant to the production, processing and retail sales of agricultural products that apply to agricultural practices throughout Grant County regardless of the type of crop being considered. Tables 3, 4, and 5 of UDC § 23.04 provides for three land uses relevant to the consideration of marijuana as a similar land use activity to agricultural uses or activities titled “Agricultural Uses & Activities,” “Agricultural Processing,” and “Retail Sales of Agricultural Products.” Given the similarities between the production, processing, and retail sales of marijuana and any other crop as contemplated within the UDC, the Grant County Planning Department shall not differentiate between marijuana and any other agricultural crop. The adopted UDC regulations that apply to agricultural production, processing, and retail sales shall be the same for all legal crops. Given the inconsistency between state and federal law, and potential liability of permitting a federally illegal activity to occur within Grant County, Grant County Planning Department staff shall not confirm or determine if a particular site is zoned or otherwise appropriate for the siting of marijuana production, processing, or retail sales activities. Instead, Planning Department staff may, in general terms, confirm whether agricultural production, processing, or retail sales are allowed on any given parcel within unincorporated Grant County.

30. As stated in the submitted application materials, it is the intent of the applicant to lease other portions of the same parcel to other subtenants in order to operate similar grow facilities. Prior to initiation of the present Conditional Use Permit (CUP) application process (on or about February 20, 2016), the applicant and the designated contacts for this project were informed that any of the other grow facilities that involved agricultural processing would require a CUP. The Planning Department recommended that one CUP application be submitted for all present and future such facilities on the subject parcel. However, the applicant elected to submit an individual application for only the first subtenant at this time.
31. The applicant, Greenhouses Washington LLC, has submitted an application for a Conditional Use Permit (CUP) for consideration by the Grant County Hearing Examiner. If approved, the requested CUP will enable the placement and use of Conex storage containers and single-wide modular units for agricultural processing on a portion of the subject parcel in the UHI zoning district.
32. The WA State Liquor Control Board has determined that activities such as those to be performed in the Conex storage containers and single-wide modular units as proposed is classified as “processing.” As such, pursuant to GCC § 23.04, Table 3, the proposed use requires a Conditional Use Permit in the UHI zoning district.
33. Based on the above review, comments, and analysis, and subject to the proposed Conditions of Approval, the Planning Department has determined that the requested proposal complies with the Criteria for Approval as listed below. As such, the Planning Department recommended approval of the proposed Conditional Use Permit subject to suggested Conditions of Approval.
34. The following Applicable Criteria for Approval are discussed below:
 - 34.1 The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan because:
 - 34.1.1 The Grant County Zoning Code and Comprehensive Plan specifically provides for the processing of Agricultural Products in the Urban Heavy Industrial Zone District as a “conditional use” and/or “outright” permitted

use in conformance with the performance standards and requirements of applicable local, state, and federal land use and environmental regulations. The issuance of required project permits by jurisdictional agencies and departments of the County will require compliance with all regulations, standards, and requirements of the Grant County Code and/or Comprehensive Plan. The proposed activity must be in compliance with all applicable local, state, and federal permit requirements in order to be permitted by jurisdictional agencies. The County has determined that the processing of agricultural products in conformance with adopted standards furthers the intent of County land use regulations and conforms to the general plan. Compliance with adopted land use and environmental regulations providing for the protection of the natural and built environment will satisfactorily mitigate any potential adverse impacts.

- 34.1.2 Planning Department staff reviewed the purpose of a Conditional Use Permit as stated in Grant County Code § 25.08.010. Based on our review of said purpose, and upon our review of the application materials submitted for this proposal, and subject to the proposed Conditions of Approval, the Planning Department has determined that the requested Conditional Use Permit conforms to and is consistent with the requirements, purpose, and intent of the Comprehensive Plan and the Unified Development Code.
- 34.2 The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located because:
 - 34.2.1 The proposal's design, character, and appearance conform to applicable goals, policies, and standards of the County's Land Use regulations, including the County Comprehensive Plan and Zoning Regulations.
 - 34.2.1 Applicable portions of the Grant County Comprehensive Plan, including its goals and policies, were taken into consideration by Planning Department staff. The Comprehensive Plan has established "unincorporated portions of urban growth areas" as one of five principal land use classes in Grant County. Comprehensive Plan Land-Use Designations in the "Urban Growth Areas" class include industrial designations. The Comprehensive Plan Land-Use Designation of the subject area is Industrial (Urban). Comprehensive Plan policies specifically state that infilling of areas already characterized by urban growth should be encouraged, and that such development should be configured so that urban development may eventually infill and become urban. The subject parcel is in the Urban Growth Area boundary of Moses Lake, and, consequently, is in an area already characterized by some urban growth. The Planning Department has determined that agricultural processing, as has been proposed by this project, and which is an allowed use subject to a Conditional Use Permit in the Urban Heavy Industrial zoning district, is an appropriate use for the land-use designation and the zoning district in which it is located.
- 34.3 The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval because:

- 34.3.1 The proposed activity must be in conformance with applicable land use and environmental regulations, permits, licenses, and standards as administered and enforced by local, state, and federal jurisdictional / regulatory agencies. Compliance with applicable land use and environmental regulations will satisfactorily mitigate any potential significant adverse impact on the human or natural environment.
- 34.3.2 Based on the Hearing Examiner's review and analysis, and subject to the Conditions of Approval, the Hearing Examiner determined that approval and/or completion of this project will not cause any permanent or long-term significant adverse impacts to the natural or human environments. This project has been planned, proposed, and will be conditioned in such a manner that will reduce or eliminate any such adverse impacts.
- 34.4 The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval because:
 - 34.4.1 The cumulative impact of additional requests for like actions will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval. All like actions will require approval by local, state, and federal jurisdictional agencies in conformance with adopted land use and environmental regulations providing for the protection of the environment.
 - 34.4.2 The Hearing Examiner considered cumulative impacts of this proposal, including access, land use, aesthetics, transportation, purpose, appropriateness and justification of scope, and degree of use. The Hearing Examiner determined that impacts caused by this proposal can be mitigated by the Conditions of Approval, and that the cumulative impact of additional requests for like actions in the area will not produce any significant adverse effects to the environment.
- 34.5 The proposal will be served by adequate facilities including access, fire protection, water, stormwater control, and sewage disposal facilities because:
 - 34.5.1 The proposal will be served by adequate facilities, including the following:
 - 34.5.1.1 Access to the Growhouses Facility site is provided via a commercial driveway through property owned by the Grant County 5 Fire District. An access easement has been provided by the Grant County 5 Fire District. A Commercial Driveway Approach Permit has been issued by the Grant County Public Works Department.
 - 34.5.1.2 Fire Water / Protection: Fire water will be sourced from the adjacent Grant County 5 fire water system via a fire water main extension and hydrants to serve the facility. Fire flow will be 1,500 gallons per minute from the Grant County 5 fire water system. A 10-inch diameter fire water main will be extended to the site from the Grant County 5 Fire District Training Facility fire water system. Four (4)

fire water storage tanks will be located on the Grant County 5 property adjacent to the existing pump house. Fire water storage will total 40,000 gallons contained within two (2) 10,000-gallon above-ground tanks and one (1) 20,000-gallon above-ground tank. The existing pump facility includes within the pump house two 75 HP pumps and one 50 HP pump running in parallel.

- 34.5.1.3 Domestic water service is not provided or required.
- 34.5.1.4 Storm water generated from impervious surfaces will be controlled and disposed of on-site in conformance with applicable requirements of Grant County.
- 34.5.1.5 Sewage disposal services: On-site sewage disposal is not provided or required.
- 34.5.1.6 Sanitation and potable water: Potable water supplies and on-site sanitation (porta potties) will be provided in conformance with the requirements of the WA State Department of Labor & Industries (WAC 296-307-095 through 296-307-09515).

34.5.2 The project site will be accessed via a commercial driveway through property owned by Grant County Fire District #5. An access easement has been provided by Grant County Fire District #5. An Approach Permit (#15-277-A) for the commercial driveway has been approved by the Grant County Public Works Department. Fire protection will be provided by the adjacent Grant County Fire District #5 water system via main extension and hydrants. The proposed facility will not be plumbed for domestic water or restrooms. Irrigation water will be sourced from an existing well. All stormwater runoff will be absorbed on-site. Information about this application was mailed to all applicable agencies of jurisdiction for their review and comments. The applicable agencies included the Grant County Fire Marshal, Grant County Fire District #5, the Grant County Health District, the Grant County Public Works Department, Grant County Emergency Management, and the WA State Dept. of Transportation. Agency comments and/or requirements received that are specific/applicable to this proposal have been included as Conditions of Approval. Therefore, this project has been conditioned in such a manner so as to comply with all requirements received from these agencies in regards to access, fire protection, water, stormwater control, and sewage disposal.

34.6 The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties because:

- 34.6.1 The site/activity will be developed in compliance with applicable County Zoning Regulations regarding the location, size, and height of buildings, and will not interfere with allowable development or the use of neighboring properties. The proposed activity is compatible with industrial uses and activities in the area.

- 34.6.2 Buildings or structures erected on the subject site must comply with Development Standards of Grant County Code. The proposed structures and use, as described in the application materials, and subject to the proposed Conditions of Approval, will comply with applicable Development Standards of GCC § 23.12, and will not interfere with allowable uses of neighboring properties.
- 34.7 The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood because:
- 34.7.1 Average daily vehicular trips (ADT) will include employee vehicles, trucks, and transfer trucks. Employee vehicular trip generation will result in between 20 to 76 vehicle trips per day. Truck deliveries and pickups may result in a range of 6 to 10 ADT per week. Transfer truck trips will include 2 to 6 trips per week. ADT will range from 80 to 90 ADT. Employee generated ADT will be split between two (2) work shifts. Peak hour traffic volume will be approximately 30 entering and exiting vehicle trips. Peak hour traffic volumes will be at off-peak hour of other traffic generators in the area. These estimates are based upon comparison to other similar facilities. The estimated vehicular trip generation is within the capacity of the existing roads, and will not be hazardous to existing and anticipated traffic in the area.
- 34.7.2 Pursuant to GCC § 23.12.100(c), a traffic impact study based on the most current edition of the Highway Capacity Manual shall be performed for proposed development that will result in an increase of one hundred (100) or more one-way trips per day onto a county road. Therefore, a traffic impact study was not required for this proposal. Information about this application was sent to the Grant County Public Works Department for their review and comments. Comments received from the Public Works Department indicated that they have no further requirements for this project at this time. Therefore, it can be reasonably concluded that this proposal will not have hazardous impacts to existing or anticipated traffic in the area. Also, an Approach Permit (#15-277-A) for a commercial driveway for this project has already been approved by the Public Works Department. Information about Conditional Use Permit applications is typically also mailed to the WA State Department of Transportation (WSDOT) for review and comments whenever the subject parcel is on or near a state highway. Review of such projects by the WSDOT ensures compliance with all WSDOT regulations when applicable. In this instance, however, the WSDOT rendered no comments on this project during the specified comment period. Therefore, pursuant to GCC § 25.04.170(a)(4), it is presumed that the WSDOT has no comments (or specific requirements) for this proposal.
- 34.8 The proposed conditional use will comply with all required performance standards specified in GCC § 23.08.
- 34.8.1 The proposed land use, activities, and structures are in compliance with applicable required performance standards specified in GCC § 23.08.

- 34.8.2 As stated above, Grant County Code § 23.08 "Performance and Use Standards" contains no specific requirements for agricultural processing as proposed by this project. However, based on our review and analysis, and subject to the proposed Conditions of Approval, the Planning Department has determined that this project, as proposed, conforms to, is consistent with, and meets the applicable requirements of GCC § 23.04.140 "Site Plan Review" and GCC § 23.12 "Development Standards," as well as all other relevant sections of Grant County Code.
- 34.9 The proposal does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70).
- 34.9.1 The subject area is not located in close proximity to any known airport, airfield, or Airport Safety Overlay Zone.
- 34.10 The proposal does conform to the standards specified in GCC § 23.12.
- 34.10.1 The proposed use/activity has been designed in conformance with the County's development standards. A Site Plan has been prepared and submitted to the County for approval demonstrating compliance with the County's Development Standards applicable to this proposed use/activity in compliance with the County's Development Standards as stipulated in GCC § 23.12.
- 34.10.2 Based on these Findings of Fact, the Hearing Examiner determines that this project, as proposed and conditioned, complies with the applicable Development Standards of GCC § 23.12.
35. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
36. An open record public hearing after due legal notice was held on May 11, 2016.
37. The entire Planning Staff file was admitted into the record at the public hearing.
38. The Grant County Planning Department recommended approval of the requested permit, subject to the recommended conditions of approval.
39. Appearing and testifying on behalf of the applicant was Alex Kaulins. Mr. Kaulins testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. He indicated that his company would be landlord and would lease and rent the facilities to various tenants. He testified that all packaging would occur indoors. He indicated that litigation measures were in place to reduce noise and lighting impacts. He testified that all of the proposed Conditions of Approval were acceptable to the applicant.
40. No member of the public appeared at the hearing.
41. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Grant County Code and Comprehensive Plan.
3. As conditioned, the proposal does conform to the standards specified in Grant County Code Section 23.12.
4. As conditioned, the use will comply with all required performance standards as specified in Grant County Code 23.08.
5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
6. As conditioned, this proposal does comply with Comprehensive Plan, zoning code and other land use regulations, and SEPA.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Conditional Use Permit Application P16-0083 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

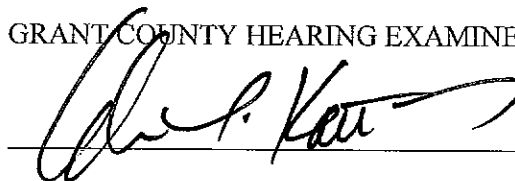
All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The Applicant shall comply with all federal, state and local laws and regulations.
3. Construction shall proceed substantially as shown on the application materials on file with Grant County, except as modified by conditions below.
4. The landowner/applicant is responsible to determine if other permits and/or licenses will be required by other local, state, and federal agencies. The landowner/applicant shall acquire all such permits and/or licenses as required.
5. No use shall be made of equipment or material which produces unreasonable vibrations, noise, dust, dirt, smoke, odor, glare, steam, electrical interference, excessive hazards, or pollution to the detriment of adjoining properties.

6. Proper erosion and sediment control practices must be used to prevent upland sediments from entering surface water. Best Management Practices (BMPs) shall be implemented as necessary during development and implementation of this proposal, in order to minimize disturbances to the subject area, to lessen the risk of erosion, and to stabilize the site during operations.
7. Dust and emissions to the air associated with the development will be controlled by utilizing Best Management Practices (BMPs) and dust control as necessary during construction.
8. The applicant shall install facilities in such a manner so as to prevent run-off from the site from entering adjoining properties. All development shall ensure that soil erosion and sedimentation of drainage ways will be controlled to prevent damage to adjoining properties. Surface water run-off will be contained and absorbed on-site.
9. The applicant shall comply with all requirements as deemed necessary by the Grant County Building Department, including, but not limited to:
 - a) Conex storage container units are subject to Building Permits.
10. The applicant shall comply with all requirements as deemed necessary by the Grant County Conservation District, including, but not limited to:
 - a) Provide backflow prevention device on wellhead.
 - b) Dispose of used pesticide containers appropriately. Rinse 3 times and puncture several times to prevent re-use before putting into trash.
 - c) Provide safe chemical mixing station. Mixing station shall not have floor drains or allow runoff.
11. The applicant shall comply with all requirements as deemed necessary by the Grant County Planning Department, including, but not limited to:
 - a) This proposal is subject to and shall comply with all standards and requirements of GCC § 23.04.140 "Site Plan Review," GCC § 23.12 "Development Standards," and with all other relevant sections of Grant County Code.
 - b) All development is subject to and shall comply with all requirements and Mitigation Measures included in the SEPA Mitigated Determination of Non-Significance (MDNS) issued on March 30, 2016.
 - c) All development is subject to and shall comply with all requirements for compliance and Conditions of Approval included in Administrative Site Plan Review #P15-0068 approved and issued by the Planning Department on April 19, 2016.

Dated this 18th day of May, 2016.

GRANT COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Grant County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) “...the date the decision is entered into the public record.” Anyone considering an appeal of this decision should seek legal advice.